



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Second day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23224 of 2016

IYAMPERUMAL

... PETITIONER/SINGLE ACCUSED

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.329/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 447 and 379(NP) IPC in Crime No.329 of 2016 on the file of the respondent Police, seeks anticipatory bail.

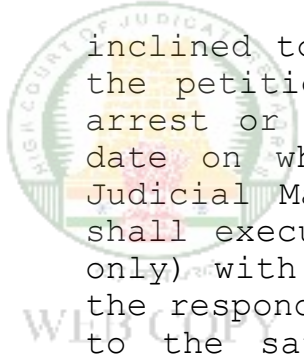
2.The case of the prosecution is that due to civil dispute, the petitioner trespassed into the land of the de facto complainant and cut and removed the Velikaruvela trees.

3.The learned counsel for the petitioner submitted that the de facto complainant and his brother has sold the disputed property in favour of the petitioner herein by way of a registered sale deed dated 13.11.2016 and the petitioner is in possession of the suit property from the date of purchase. It is further stated that the de facto complainant and his brother has filed a suit in O.S.No.74 of 2009 before the District Munsif, Sathankulam for the relief of declaration and injunction and after trial, the suit was dismissed. Against which, the de facto complainant and his brother preferred an appeal in A.S.No.123 of 2011 before the Sub Court, Tuticorin, which was also dismissed. As against which, a second appeal in A.S.(MD)No.371 of 2015 is filed before this Court and the same is pending and there no stay is granted. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the present case has been registered as per the order dated 16.08.2016 passed by this Court in Crl.O.P.(MD)No.14822 of 2016.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also taking note of the nature of dispute between the parties, I am



inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Tiruchendur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of 4 weeks.

[b]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioner shall not abscond either during investigation or trial.

[d]on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala (2005 AIR SCW 5560)**.

sd/-
02/01/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.137

ORDER
IN
CRL OP(MD) No.23224 of 2016
Date :02/01/2017